

ORDERS ON I.A No.1 and 2

The petitioner filed these applications U/s 23(1) and Sec.23(2) of D.V Act 2005 for return of articles and also for interim maintenance of Rs.7,000/- per month from the respondents.

2. In the affidavit contended that, the petitioner and respondent No.1 is the husband and wife. The petitioner contended that, SSLC Marks Card, Transfer certificate, Aadhar card, birth certificate and other original documents are in the custody of the respondent No.1 and the said documents are necessary to get voter I.D card and also bank pass book is in the custody of respondent No.1 and it is necessary for the bank transaction. At the time of marriage, the parents of the petitioner had given

almeriah, cot, dress, vanity bag, sarees, purse, bed sheet, blanket, bag, mat and also house utensils and the respondent No.1 is trying to destroy the same or alienate the same. Hence, those documents and material are necessary for the petitioner and also in the affidavit contended that, she is unable to maintain herself and the respondent No.1 had taken the amount of Rs.2,00,000/- through the petitioner from the account of the petitioner's mother. The respondents family is having 2 acres of land and also the respondent No.1 doing real estate business and also getting monthly income of Rs.35,000/- to 40,000/-. Hence, the respondent No.1 is liable to pay the interim maintenance. Hence, prays to allow the applications.

3. On the other hand, the respondent appeared and filed objection. In the objection, the respondent contended that, the utensils and all materials stated in the application were all taken by the petitioner while leaving the house of the respondent No.1 and there is no

source of income to the respondent to give maintenance to the petitioner and also the respondent is having old aged parents. Hence, he is unable to pay the interim maintenance as prayed in the application. Hence, prays to reject the applications.

4. Heard both the sides.

5. After going through the material available on record, the petitioner filed this petition U/s 12 of the Domestic Violence Act against the respondents. The petitioner contended that, she is the legally wedded wife of the respondent No.1 and their marriage was solemnized on 17.06.2018 at Puradoddi village, Maralavadi Hobli. Now the petitioner filed both applications for return of house utensils which were given at the time of marriage by the parents of the petitioner to the respondents and also other materials which are stated in the application and also sought for interim maintenance of Rs.7,000/-. The respondent appeared through counsel and filed objections and

admitted the relationship between the petitioner and respondents. In the objection, the respondents specifically stated that, she has taken back all her materials which was stated in the applications and also stated that, the respondent is unable to pay the maintenance as sought in the application. As per the records, the petitioner and respondent No.1 are the husband and wife and they are residing separately.

6. It is the bounden duty of the husband to maintain his wife irrespective of income. As per the records, the petitioner filed this application for interim maintenance and also for return of materials and documents stated in the application at this stage while considering the entire material, this court is of the opinion that, the petitioner has not specifically described the each item of the petitioner and also there is no sufficient material placed by the petitioner in respect of the items mentioned in the application. Hence, under such circumstances, this court is of the opinion that, till

the disposal of the petition, the petitioner is entitled monthly maintenance of Rs.3,000/- from the respondent No.1. Hence, this court proceed to pass the following;

ORDER

I.A No.1 filed by the petitioner U/s 23(1) of D.V Act is hereby rejected.

I.A No.2 filed by the petitioner U/s 23(2) of D.V Act is hereby partly allowed.

The respondent No.1 is directed to pay the monthly maintenance of Rs.3000/- to the petitioner from the date of petition to till the disposal of the petition.

(SURESH ANNAPPA SAVADI)

Prl. Civil Judge & JMFC.,
Kanakapura.